

Message Text

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ACTION AF-18

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R 101320Z JAN 74

FM AMEMBASSY TANANARIVE

TO SECSTATE WASHDC 5917

C O N F I D E N T I A L TANANARIVE 0039

E.O. 11652: GDS

TAGS: CASC, MA

SUBJ: POSSIBLE STRATEGY IN REPPAS CASE

REFS: A. STATE 231264

B. TANANARIVE 1640

C. TANANARIVE 1738

D. TANANARIVE 1767

1. EMBASSY SEES AS POSSIBLE STRATEGY TO RESOLVE REPPAS CASE

(A) PAROLE AFTER SERVING HALF SENTENCE AND (B) SUBSTANTIAL
REDUCTION IN FINE THROUGH APPEALS PROCESS.

2. REFTEL D INDICATED MINISTER OF JUSTICE COULD GRANT TIME OFF
FOR GOOD BEHAVIOR ("LIBERTE CONDITIONNELLE") AFTER HALF OF
SENTENCE SERVED. HALF OF SENTENCE WILL PRESUMABLY HAVE BEEN
SERVED BY APRIL 30, 1974, I.E., 18 MONTHS AFTER REPPAS' ARREST
OCTOBER 30, 1972.

3. REFTEL D ALSO POINTED OUT LEBEL, ONE OF REPPAS' ATTORNEYS,
VIEWS AS EXTRAORDINARILY HIGH DAMAGES OF 75 MILLION FMG
(APPROX. \$355 THOUSAND) AWARDED TO MALAGASY STATE AND ASSESSED
JOINTLY AGAINST REPPAS AND BACOPOULTS. REFTEL C INDICATED THAT
ASSESSMENT OF DAMAGES BASED IN PART ON AMERICAN LETTER WRITING
AND PRESS CAMPAIGN.

4. REFTEL B INDICATED, IRRESPECTIVE OF BASIC PRISON SENTENCE,
REPPAS COULD BE LIABLE TO LONG PRISON TERM AT FORCED LABOR IF HE
AND/OR BACOPOULOS DO NOT PAY DAMAGES. EMBASSY BELIEVES CHANCES
OF BACOPOULOS EVER BEING ABLE TO PAY SIGNIFICANT PORTION OF
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DAMAGES ARE VIRTUALLY NIL. SINCE APRIL 30 COMING UP WITHIN

FAIRLY SHORT PERIOD, REPPAS CHIEF PROBLEM WOULD SEEM, THEREFORE,
TO BE HOW TO GET DAMAGES REDUCED BY APPEALS COURT IN ORDER NOT
TO HAVE TO PAY IT OFF BY LONG PERIOD IN JAIL AT FORCED LABOR.

5. EMBASSY PROPOSES TO DISCUSS WITH LEBEL WHETHER OR NOT BE
WOULD EXPECT APPEALS COURT MIGHT REDUCE AMOUNT OF DAMAGES
SIGNIFICANTLY IF EMBASSY MAKES DEMARCHE ALONG LINES SUGGESTED
REFTEL A, I.E. POINT OUT DEPARTMENT WOULD NOT REGARD SENTENCE
FAIR IF NATURAL CONCERNS EXPRESSED BY AMCITS ABOUT ANOTHER AMCIT
HAVE RESULTED IN A MORE SEVERE SENTENCE THAN WOULD HAVE
ORDINARILY BEEN GIVEN.

6. EMBASSY WOULD, HOWEVER, APPRECIATE DEPARTMENT'S LEGAL VIEWS,
REQUESTED REFTEL C PARA 4, BEFORE TAKING UP MATTER WITH
LEBEL, REPPAS AND PERHAPS EVENTUALLY GOMR.
MENDENHALL

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